

HEATHER HOPPER,)
)
Plaintiff,)
)
vs.) Case No. 4:13CV1840 RWS
)
CONSUMER ADJUSTMENT CO.,)
INC., et al.,)
)
Defendants.)

This matter is before me on plaintiff's motion to disqualify defense counsel from representing defendant in this case. The asserted basis for disqualification is that defense counsel has filed a class action suit against plaintiff's counsel in state court. According to plaintiff's counsel, plaintiff is a member of that class so defense counsel has a concurrent conflict of interest in representing defendant in this case. The motion to disqualify is meritless. First, plaintiff is not even a potential member of the purported class action because the potential class is defined as people who hired plaintiff's counsel and "for whom [plaintiff's counsel] recovered money." This lawsuit has just been filed and has not been settled, so plaintiff's counsel has not "recovered money" for plaintiff. Moreover, even if plaintiff could be a potential unnamed member of the putative class,

Comment 25 to Rule 4-1.7 of the Missouri Rules of Professional Conduct makes clear that, for purposes of determining whether concurrent conflicts of interest exist, “[w]hen a lawyer represents or seeks to represent a class of plaintiffs or defendants in a class-action lawsuit, unnamed members of the class are ordinarily not considered to be clients of the lawyer for purposes of applying Rule 4-1.7(a)(1).” Because no conflict of interest exists here, the motion to disqualify will be denied. Finally, I remind the parties to conduct themselves professionally in all dealings with this Court, which includes civility to opposing counsel.

Accordingly,

IT IS HEREBY ORDERED that the motion to disqualify [#5] is denied.

IT IS FURTHER ORDERED that the motion for oral argument [#6] is denied as moot.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 18th day of October, 2013.